

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Durham Division**

VICTOR VOE, *et al.*,

Plaintiffs,

v.

THOMAS MANSFIELD, *et al.*,

Defendants.

Civil No. 1:23-cv-864

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

NOW COME Plaintiffs VICTOR VOE, by and through his parents and next friends, Vanessa Voe and Vance Voe; VANESSA VOE; VANCE VOE; RILEY SMITH, M.D., on behalf of his patients; PFLAG, INC.; AMERICAN ASSOCIATION OF PHYSICIANS FOR HUMAN RIGHTS, INC. d/b/a GLMA: HEALTH PROFESSIONALS ADVANCING LGBTQ+ EQUALITY, (collectively, "Plaintiffs"), in the above-captioned case, and move the Court pursuant to Rule 65(a) of the Federal Rules of Civil Procedure and Local Rule 65.1(b) for a preliminary injunction against Defendants THOMAS MANSFIELD, in his official capacity as Chief Executive Officer of the North Carolina Medical Board; and MICHAUX R. KILPATRICK; CHRISTINE M. KHANDELWAL; DEVDUTTA G. SANGVAI; JOHN W. RUSHER; WILLIAM M. BRAWLEY; W. HOWARD HALL; N. MELINDA HILL-PRICE; SHARONA Y. JOHNSON; JOSHUA D. MALCOLM; MIGUEL A. PINEIRO; ANURADHA RAO-PATEL; ROBERT RICH,

JR.; and DAVID P. SOUSA, in their official capacities as members of the North Carolina Medical Board; NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES; KODY KINSLEY, in his official capacity as Secretary of the Department of Health and Human Services (collectively, “Defendants”). In support thereof, Plaintiffs state as follows:

1. On October 11, 2023 Plaintiffs filed a complaint challenging “An Act to Prohibit Gender Transition Procedures For Minors,” N.C. GEN. STAT. § 90-21.150 et seq., as a violation of Plaintiffs’ rights under the Fourteenth Amendment to the U.S. Constitution, U.S. Const. amend. XIV Sect. 1; and Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116.

2. Plaintiffs seek a preliminary injunction enjoining Defendants, their officers, employees, and agents; all persons acting in active concert or participation with any Defendant, or under any Defendant’s supervision, direction, or control; and all other persons within the scope of Federal Rule of Civil Procedure 65, from enforcing Sections 1 and 3 of N.C. GEN. STAT. § 90-21.150 et seq.

3. Federal Rule of Civil Procedure 65 provides for the issuance of a preliminary injunction under circumstances such as those that exist in this case, as explained further in Plaintiffs’ accompanying Memorandum of Law.

4. In support of this motion, Plaintiffs submit a Memorandum of Law, addressing all necessary elements for the entry of a preliminary injunction; declarations from Plaintiffs Vanessa Voe; Dr. Riley Smith; Brian K. Bond, Chief Executive Officer of

PFLAG, Inc.; Alex Sheldon, Executive Director of GLMA: Health Professionals Advancing LGBTQ+ Equality; and from expert witnesses Dr. Deanna Adkins, Dr. Johanna Olson-Kennedy, Dr. Dan H. Karasic, and Dr. Armand H. Matheny Antommaria.

5. Plaintiffs would be glad to present oral argument should the Court find that it would be helpful to determine this motion.

WHEREFORE, for the foregoing reasons, and for those set forth in Plaintiffs' supporting memorandum of law, Plaintiffs respectfully move that the Court enter a preliminary injunction enjoining Defendants, their officers, employees, and agents; all persons acting in active concert or participation with any Defendant, or under any Defendant's supervision, direction, or control; and all other persons within the scope of Federal Rule of Civil Procedure 65, from enforcing Sections 1 and 3 of N.C. GEN. STAT. § 90-21.150 et seq.

* * *

Dated: October 11, 2023

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* Appearing by special appearance
pursuant to L.R. 83.1(d).

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2023 I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, and have verified that such filing was sent electronically using the CM/ECF system to all parties who have appeared with an email address of record. In addition, I served each Defendant via certified mail.

Dated: October 11, 2023

/s/ Amy E. Richardson

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